

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MICHELLE GEIGEL, as administrator
of the estate of CRISTHIAN GEIGEL,
Plaintiff,

v.

BOSTON POLICE DEPARTMENT,
ISMAEL ALMEIDA, and
JOHN/JANE DOES NOS. 1–2
Defendant.

CIVIL ACTION NO. 1:22-CV-11437

AFFIDAVIT OF PLAINTIFF’S COUNSEL IN SUPPORT OF PLAINTIFF’S
OPPOSITION TO THE DEFENDANT’S MOTION TO DISMISS

I, John Benzan, do state and aver the following under the pains and penalties of perjury:

1. I am counsel of record for the above-named plaintiff and was retained by the family of the deceased Cristhian Geigel in 2019 shortly after his passing.
2. I was contacted by Assistant District Attorney John Verner who informed me that he was conducting an investigation into the death of Mr. Geigel as it happened in Boston Police custody.
3. It was during this communication that ADA Verner promised that the Suffolk County District Attorney’s Office would meet with me and the Geigel family to share their findings and inform us of the circumstances surrounding Cristhian’s death.
4. ADA Verner kept his promise and he called to schedule a meeting for December 5, 2019.

5. At this meeting at the District Attorney's Office in Boston, ADA Verner showed us the video capturing the events surrounding the death of Cristian Geigel.
6. December 5, 2019 was the first time I was provided any details surrounding the circumstances of Cristian's death. Prior to this, I was not privy to such information as the District Attorney's investigation was secret and confidential.
7. The Court should find that the statute of limitations should be extended to approximately December 5, 2022 and further find that the filing of the plaintiff's claim is timely.
8. As plaintiff's counsel, I filed the complaint that initiated these proceedings. I did so on September 7, 2022 using the Notice of Electronic Filing or ECF system.
9. After submitting my complaint I paid the filing fee by entering my billing information.
10. I did not merely use the ECF system to pay a filing fee without including my submission. I understood then as I do now that simply paying the filing fee is not the same as filing a complaint.
11. The Court should find that the plaintiff sufficiently filed the complaint on September 7, 2022 but that the statute of limitations extended to December 2022.

All of the facts stated in paragraphs 1 to 11 are correct to the best of my knowledge and belief and nothing is false or concealed.

October 25, 2023

/s/ John Benzan.
John Benzan BBO#: 555874
Law Office of John Benzan
P. O. Box 620667
Newton Lower Falls, MA 02462
617-733-7723
johnbenzan@msn.com